

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**


ERIC DRAKE,	§	
PLAINTIFF,	§	
	§	
v.	§	CASE NO. 3:20-CV-581-M-BK
	§	
WALMART INC., ET AL.,	§	
DEFENDANTS.	§	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Plaintiff's motion to proceed *in forma pauperis* on appeal. Doc. 59. Plaintiff appeals from numerous court orders as well as the final judgment entered in Defendants' favor. Doc. 62. Upon consideration, it is recommended that the Court deny the motion to proceed *in forma pauperis* on appeal and certify, pursuant to FED. R. APP. P. 24(a) and 28 U.S.C. § 1915(a)(3), that the appeal is not taken in good faith. For the reasons stated in the *Findings, Conclusions and Recommendation of the United States Magistrate Judge*, Doc. 52, the appeal presents no legal points of arguable merit and is therefore frivolous.

Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), Plaintiff may challenge this finding by filing a separate motion to proceed in forma pauperis on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of the District Court's order adopting this recommendation.

SO RECOMMENDED on March 29, 2021.


RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE